## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN STARKS : CIVIL ACTION

:

v.

:

COLOPLAST CORPORATION : No. 13-3872

## ORDER

AND NOW, this 13th day of February, 2014, upon consideration of Defendant, Coloplast Corp.'s Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Docket No. 5), and the opposition and reply thereto, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the defendant's motion is GRANTED. This case is dismissed.

The plaintiff's negligence, strict liability, and breach of implied warranty claims are dismissed with prejudice.

The plaintiff's breach of express warranty and breach of contract claims are dismissed without prejudice. The plaintiff may file an amended complaint to re-plead the claims dismissed without prejudice within 30 days of the date of this Order.

BY THE COURT:

/s/ Mary A. McLaughlin MARY A. McLAUGHLIN, J.